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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,688	10/05/2000	Kenneth O. Lipscomb	26006.0001U3	8953

23859 7590 11/26/2002  
NEEDLE & ROSENBERG P C  
127 PEACHTREE STREET N E  
ATLANTA, GA 30303-1811

EXAMINER
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PRIETO, BEATRIZ

ART UNIT	PAPER NUMBER
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2142  
DATE MAILED: 11/26/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

jen

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/679,688	LIPSCOMB ET AL.
	Examiner B. PRIETO	Art Unit 2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 September 2002.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) 13-24 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-12 and 25-27 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 05 October 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

***Detailed Action***

1. Drawings have been objected to by the Draftsperson under 37 CFR 1.84 or 1.152, correction noted on PTO-948 is required. A proposed drawing correction or corrected drawings are required in reply to this office action to avoid abandonment of the application. The objections to the drawings are no longer held in abeyance. If reply does not include corrected drawings, proposed corrections, or reply to the drawings requirement, the reply would be held non-responsive (See MPEP §1.85 revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; Para. (a) revised, 65 FR 57024, Sept. 20, 2000, effective Nov. 29, 2000).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milsted et. al. (Milsted) U.S. Patent No. 6,345,256.

Regarding claim 1, Misted teaches substantial features of the invention as claimed, teaching a system for distributing digital media assets (col 2/lines 61-64, col 3/lines 17-21) to a plurality of users (col 9/lines 54-65, Fig. 1, col 12/lines 9-24), comprising:

an electronic content(s) Store (col 13/lines 24-25, col 21/lines 32-38) (portal) including a server computer (103), (col 83/lines 3-6, col 74/lines 18-19, 31-41),

the server computer (103) including (col 14/lines 41-50) an server application (105) that manages access (management access right, col 10/lines 16-35, col 44/lines 20-27, authorize access, col 32/lines 57-59, control access right, col 14/lines 5-50, col 23/lines 49-52, 55-61) to a distribution facility (111) or provider (101) (master library) (access to a digital media assets col 13/lines 41-51 remote or local, col 20/line 8-9, access of media assets col 22/lines 19-22 to user) of digital media assets that can be accessed by users (col 21/lines 32-38) via a communication network (col 2/lines 50-55, col 25/lines 26-46); and

a plurality of media player devices (109) (col 14/lines 52-col 15/line 9) that communicate with the portal (103) to access digital media content assets (content 113) for use (col 21/lines 32-67) by the user,

the plurality of media player device (109) (col 14/lines 52-col 15/line 9, variety of devices, col 11/lines 66-col 12/line 7) comprising a client application (195) running on a end-user media player device(s) (109) (i.e. executed by a processor), (col 10/lines 60-62) that manages digital media content assets (manage, col 82/line 43-51, control, col 25/line 10-12, usage rights, col 10/line 20-35) to which purchased digital assess rights (i.e. licensed) has been acquired for use by a user (col 24/lines 50-col 25/line 13, col 10/lines 20-35);

although the above mentioned prior art of record teaches, a system including a server computer having an application(s) configured for managing access to media assets that can be access by users via a communication network as claimed, it is not called a “portal”; and taught client application (195) performing media asset managing functions as claimed, is not called “a database client application”;

It would have been obvious to one ordinary skilled in the art at the time the invention was made to implement Milsted’s teaching to performed claimed invention including functional equivalent elements performing all claimed functions, as discussed above, motivation would be utilize said electronic content store(s) site configured to operate as a gateway to manage access, sell and provide license digital media content to users using player devices configurable to play the license digital media content in accordance to license usage rights purchased by the user, as taught by Milsted.

Regarding 2, server application (105) of the portal manages usage rights of users to media assets (Milsted: manage, col 82/line 43-51, control, col 25/line 10-12, usage rights, col 10/line 16-35).

Regarding claim 3, server application (105) of the portal updates the client application (195) in the media player device to store information identifying those media assets that a user has licensed usage rights upon purchase (Milsted: col 10/lines 60-col 11/line 9).

Regarding claim 4, a user may have multiple media player devices (109) (Milsted: col 12/lines 52-56) from which the user desires to experience digital media assets (Milsted: col 11/lines 66-col 12/line 7), wherein updating includes providing a user with access to digital media assets to any media player device (Milsted: col 11/lines 66-col 12/line 7).

Regarding claim 5, plurality of media player devices comprise one device selected from a home electronic device group (Milsted: col 12/lines 52-56).

Regarding claim 6, a player device comprises a media player software application for allowing a user to control playback and usage of media assets (Milsted: col 11/lines 66-col 12/line 7, col 83/line 13-26, 43-51).

Regarding claim 7, the media player software application is portal to a variety of hardware platforms of media player devices (Milsted: col 82/lines 43-51).

Regarding claim 8, the portal manages streaming of media assets purchased to the media player device (Milsted: streaming: col 81/lines 41-49, col 83/lines 7-10), wherein the media assets are remotely stored by sources to which the portal connects via a communication network (Milsted: col 21/lines 32-38, col 25/lines 26-46, col 2/lines 50-55).

Regarding claim 9, as discussed above and further wherein the portal manages downloading of media asset to the media player device for storage and use (Milsted: col 84/lines 53-col 85/line 3).

Regarding claim 10, wherein the portal generates and provides to an identifier (code) that is required to be entered into all of the user's media player devices before enabled for transactions/communication (operation) to the portal, and the portal electronically transmits a fill-in form or input request (control message) to each of the user's media player devices to require the user to follow such a code entry procedure (Milsted: col 78/lines 66-col 79/line 36, 49-56).

Regarding claim 11, wherein when a valid code is not entered into a user's media player device, the media player device is disabled for communication and/or transaction with the portal (Milsted: col 78/line 66-col 79/line 56).

Regarding claim 12, wherein the portal maintains an on-line database of media assets for users of media player devices lacking a database client application (Milsted: col 25/lines 45-52).

Regarding claim 25, this claim comprises limitation(s) discussed on claim 1, same rationale of rejection is applicable

Regarding claims 26-27, these claims comprises limitation(s) discussed on claim(s) 3-4, same rationale of rejection is applicable.

**Citation of Pertinent Art:**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure; Copies of documents cited will be provided as set forth in MPEP§ 707.05(a):

WO 99/27681 (June 03 1999): LEEKE et. al. teaches a server computer executing an application that manages the access to library of media assets that can be assets by users of a plurality of media player devices via communication network(s), wherein the media player devices communicating with said server computer have an application configured to manage purchased digital access rights on media assets downloaded from the server computer (Leeke: page 1, lines 19-26, page 7, lines 1-26, page 8, lines 14- page 9, line 3, page 10, lines 12-26, page 11, lines 10-28, page 12, lines 3-26, Figs. 1, 16-17).

US 6,256,623 (July 03 2001): Jones teaches a client coupled though an ISP to a portal host system, the portal provides access to a web site which provides access to multiple services to the user, such as media assets (e.g. music). The portal is coupled to a database containing indexed information about media content (e.g. search clips) wherein the search clip may be stored on the portal or anywhere it can retrieve the user's request. Database on the portal may link to other web sites that have been culled by the portal. (col 7/lines 19-58).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (703) 305-0750. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Mark R. Powell can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6606. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Any response to this action should be mailed to:

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or Faxed to: (703) 746-7239, for Official communications and entry or (703) 746-7240, for Non-Official or draft communications, please label "PROPOSED" or "DRAFT";

or Telephone: (703) 306-5631 for TC 2100 Customer Service Office;

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist), further ensuring that a receipt is provided stamped "TC 2100".

  
B. Prieto  
Patent Examiner

  
MARK POWELL  
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